

REMARKS

Claims 1-12, 14-43, 45-61 and 63-65 are pending in the application.

Claims 1-10, 14-43, 45-61 and 63-66 have been rejected.

Claims 2, 3, 63 and 64 have been objected to.

Claims 1, 32, 61 and 63 have been amended, as set forth herein.

I. TELEPHONIC EXAMINER INTERVIEW

On July 27, 2006, the undersigned counsel ("Applicant's representative") and the Examiner briefly discussed proposed claim amendments (as set forth herein) to the pending claims of the present application. The Examiner indicated that the claims would be allowable with the proposed claim amendments. As a result, Applicant is submitting this Amendment and Response to the Office Action issued June 30, 2006.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-10, 14-17, 19-41, 45-46, 48-61 and 63-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheung (US Patent No. 6,515,964) in view of Chen (US 6,487,170). Claims 11-12, 42-43 and 66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheung (US Patent No. 6,515,964) and Chen (US 6,487,170) and further in view of Lo (US 6,798,786). Claims 18 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheung (US Patent No. 6,515,964) and Chen (US 6,487,170) and further in view of Vargo (US

6,356,545). The rejections are respectfully traversed.

Applicant notes the secondary reference, U.S. Patent 6,487,170 to Chen, that forms the basis of all 103(a) rejections, is assigned to Nortel Networks, Ltd.

Section 103(c)(1) provides that:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, United States Code, § 103(c)(1). See also, MPEP § 2146.

The present application is owned by Nortel Networks Ltd, as evidenced by documents recorded at Reel/Frame 014720/0356 and 015301/0067 (assignments from the inventors to Nortel Networks, Ltd). Issued US Patent No. 6,487,170 to Chen identifies Nortel Networks, Ltd. as the assignee. Therefore, the present application and the cited reference were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, the same person. The Chen reference is unavailable as prior art under section 103(a), and the Office Action fails to establish a prima facie case of obviousness. Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejections of Claims 1-10, 14-43, 45-61 and 63-66.

The Examiner has further indicated (as described above) that the Claims would be allowable with the amendments made herein. In order to further prosecution of this application, Applicant has amended the claims as noted.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

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